

### **REMARKS**

The Office Action dated January 29, 2008 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 6-8 have been rejected, claims 1, 3-5 and 9 have been withdrawn, and no claims are allowed. Claim 6 has been amended. Thus, claims 1 and 3-9 are pending in this application. Support for the amendments may be found in the specification as originally filed. In particular, support for the amendments to claim 6 may be found in the specification at page 4, paragraph [0009] and page 13, paragraph [0013]. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of all rejections.

### **Objections**

Claim 6 is objected to for various informalities. In particular, the Office Action stated that "kind of" should be deleted and --consisting of-- should be inserted after "group." The Applicants submit that claim 6 has been amended to overcome these objections. Accordingly, Applicants respectfully request withdrawal of the objection of claim 6.

### **Rejection Under 35 U.S.C. §112**

Claims 6-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that the limitation on "adding

at least one compound selected from the group to an aqueous nitrate solution including a component" in claim 6 is unclear and does not particularly point out what is required by the claims.

The Applicants respectfully submit that claim 6 has been amended to clarify what is required by the claim. Accordingly, Applicants respectfully request withdrawal of the §112 rejection of claims 6-8.

### **Double Patenting**

Claims 6-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5, 7, 14 and 16 of copending U.S. Patent Application No. 11/032,233 (hereinafter "'233"). The Office Action alleges that although the conflicting claims are not identical, they are not patentably distinct because the instantly claimed process appears to be broader in scope than the process disclosed in '233, which would inherently include the disclosed process steps and specific Pd nitrate and alkaline earth metal nitrate of '233.

Claims 6-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 7,199,079 B2 (hereinafter "'079"). The Office Action alleges that although the conflicting claims are not identical, they are not patentably distinct because the instantly claimed process appears to be broader in scope than the process disclosed in '079, which would inherently include the disclosed process steps and aluminum nitrate and rare earth nitrate of '079.

While not conceding to the Office Action's allegations, Applicants submit herewith terminal disclaimers in which Applicants disclaim the terminal part of any patent granted on the present application which would extend beyond the expiration date of '079 and a patent resulting from '233. Thus, Applicants respectfully request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting provisional rejection and rejection of claims 6-8.

### **Rejection Under 35 U.S.C. §102**

Claims 6-8 are rejected under 35 U.S.C. §102(b) as being anticipated by Blanchard et al. (U.S. Patent No. 4,492,769, hereinafter "Blanchard"). Applicants respectfully traverse this rejection.

The Office Action cites Blanchard for disclosing a process of preparing a catalyst composition for treatment of internal combustion engine gas. In particular, the Examiner cites the language of claim 1 in cols. 12-13 which states that the process of preparing a catalyst composition includes coating and/or impregnating a support with a catalyst of palladium and at least one base metal element and activating the catalyst at a temperature ranging from 120-800°C. The Examiner also states that the activated catalyst is coated and/or impregnated with at least one platinum group precious metal other than palladium or a combination of palladium and at least one other platinum group precious metal and then activated again at a temperature ranging from 300-800°C.

Claim 6, as amended, recites "[a] production method for a purification catalyst for exhaust gas...wherein the purification catalyst has a general formula  $\text{LnAlO}_3$  or

$\text{Ln}_a\text{Pd}_b\text{O}_c$ , where Ln is a rare-earth element, a is an integer equal to 2 or 4, b is an integer equal to 1 or 2, and c is an integer equal to 4, 5, or 7.” The Applicants respectfully submit that Blanchard fails to teach at least the features of claim 6 quoted above. Accordingly, Applicants respectfully submit that Blanchard does not anticipate independent claim 6, and claims 7 and 8, which depend therefrom.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6-8 under 35 U.S.C. §102(b) over Blanchard.

Claims 6-8 are rejected under 35 U.S.C. §102(b) as being anticipated by Mizuno et al. (U.S. Patent No. 6,500,392 B2, hereinafter “Mizuno”). Applicants respectfully traverse this rejection.

The Examiner asserts that Mizuno describes the preparation of a Pd/Ba-predoped  $\text{Al}_2\text{O}_3$  powder in which an aqueous palladium nitrate solution, an aqueous barium nitrate solution, and an appropriate amount of acetic acid are added to commercial  $\gamma\text{-Al}_2\text{O}_3$  and are then pulverized in a ball mill for 15 hours. The resulting slurry is dried at 100°C for 15 hours, pulverized, and fired at 700°C for 3 hours to obtain a Pd/Ba-predoped  $\text{Al}_2\text{O}_3$  powder (col. 11, lines 50-67).

The Applicants respectfully submit that Mizuno fails to teach at least the features of claim 6 quoted above. Accordingly, Applicants respectfully submit that Mizuno does not anticipate independent claim 6, and claims 7 and 8, which depend therefrom.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6-8 under 35 U.S.C. §102(b) over Mizuno.

**CONCLUSION**

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108421-00127.

Respectfully submitted,



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Enclosures: Submission of Terminal Disclaimers  
Terminal Disclaimers (2)